

POSITION PAPER
INITIAL MEETING OF THE
UN COMMITTEE ON THE PEACEFUL
USES OF OUTER SPACE

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March 13, 1962

ANNEX C

RETURN OF SPACE VEHICLES AND PERSONNEL

THE PROBLEM

The position to be taken by the United States concerning the landing in foreign territory of space vehicles and personnel.

UNITED STATES POSITION

1. The United States should propose that the Legal Subcommittee recommend the prompt and safe return, at the expense of the launching state, of space vehicles and personnel which land in the territory of states other than the launching state as the result of distress or mistake.

2. This recommendation could perhaps best include a draft General Assembly resolution to be forwarded by the Outer Space Committee to the Assembly for adoption. A draft resolution is attached.

COMMENT

1. The proposed Outer Space Committee resolution deals with only vehicles which land in the territory of foreign states by reason of distress or mistake. Intended landings on foreign territory require the consent of the territorial authority and can best be dealt with on an ad hoc basis.

2. Space vehicles landing in distress or by mistake should be treated in accordance with the norms of international law and civilized practice concerning customary transport. The duties of a state into whose territory a peaceful vessel or airplane has innocently entered require it to permit landing and to ensure safe return of the craft and its occupants. Recent notable deviations from this practice are the destruction by bloc states of innocently overflying passenger aircraft, both civil (July 27, 1955, Bulgarian incident involving an Israeli El Al, commercial aircraft) and military (November 19, 1951, Hungarian-Soviet incident involving a United States C-47 military aircraft).

3. The Legal Subcommittee should prepare a recommendation for prompt and safe return of space vehicles and personnel and forward it to the Outer Space Committee. This recommendation could perhaps best take the form of a draft General Assembly resolution which the Outer Space Committee could then transmit to the Assembly for adoption. A draft resolution is attached.

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DRAFT GENERAL ASSEMBLY RESOLUTION ON
RETURN OF SPACE VEHICLES AND PERSONNEL

The General Assembly,

Recognizing that there may occur landings of space vehicles in the territory of foreign states by reason of distress or mistake,

Believing that such vehicles and their personnel, if any, should be treated in accordance with civilized practice and humanitarian concern,

Commends to states for their guidance the following principle:

Space vehicles and their personnel, if any, which land in the territory of a state other than the launching state by reason of distress or mistake should be safely returned without delay to the launching state.

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